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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

HARRIS L. WINNS,

Plaintiff,

v.

BLAKELY SOKOLOFF TAYLOR &
ZAFMAN, LLP, ANTHONY INTIL, CANDY
MIELKE, JIM SALTER, MICHAEL MALLIE,
JOHN P WARD, ED TAYLOR, DAN DEVOS,
DIANE ROBSON, LESTER VINCENT STEVE
ZELMAN, DAVE MONTOYA, KAREN
WILSON, TAREK FAHMI, LAURA E. INNES,
RONALD F. GARRITY, CHARLES WALL

Defendants.

CASE NO.: C08 02622 JW

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF DEFENDANTS' MOTION
TO DISMISS PURSUANT TO FEDERAL
RULE OF CIVIL PROCEDURE 12(b)(6)**

Date: September 15, 2008
Time: 9:00 am
Dept.: Courtroom 8, 4th Floor
Judge: James Ware

In support of their Motion to Dismiss Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6), filed concurrently herewith, Defendants Blakely Sokoloff Taylor & Zafman, LLP, Anthony Intil, Candy Mielke, Michael Mallie, John P. Ward, Ed Taylor, Dan Devos, Diane Robson, Lester Vincent, Jim Salter, Dave Montoya, Tarek Fahmi, Steve Zelman, and Karen Wilson ("Defendants") respectfully request that the Court take judicial notice pursuant to Federal Rule of Evidence 201 of the following:

1. Temporary Restraining Order and Order to Show Cause Why Preliminary Injunction Should Not Be Issued, issued by the Superior Court of California for the County of

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- 1 Santa Clara in the matter of Blakely Sokoloff Taylor & Zafman, LLP v. Harris
- 2 Winns, Case No. CV 806829. A Certified Copy of the Temporary Restraining Order
- 3 is attached hereto as Exhibit 1.
- 4
- 5 2. The Stipulated Order for Injunction, signed by Plaintiff Winns and his attorney of
- 6 record, entered on May 6, 2002 in the matter of Blakely Sokoloff Taylor & Zafman,
- 7 LLP v. Harris Winns, Santa Clara Superior Court Case No. CV 806829. A Certified
- 8 Copy of the Stipulated Order for Injunction is attached hereto as Exhibit 2.
- 9
- 10 3. The Request for Dismissal, filed by Blakely, Sokoloff, Taylor & Zafman and
- 11 entered on March 15, 2005, in the matter of Blakely Sokoloff, Taylor & Zafman,
- 12 LLP v. Harris Winns, Santa Clara Superior Court Case No. CV806829. A Certified
- 13 Copy of the Stipulated Order for Injunction is attached hereto as Exhibit 3.
- 14
- 15 4. The First Amended Complaint, filed by Plaintiff Winns in the matter of Harris L.
- 16 Winns v. Blakeley Sokoloff Taylor & Zaffman, et al., Santa Clara Superior Court
- 17 Case No. 107CV090534. A true and correct copy of the First Amended Complaint
- 18 is attached hereto as Exhibit 4.
- 19
- 20 5. Defendants' Blakely Sokoloff Taylor & Zafman, LLP, Anthony Intil, Candy Mielke,
- 21 Michael Mallie, John P. Ward, Ed Taylor, Dan Devos, Diane Robson, and Lester
- 22 Vincent demurrer to Plaintiff's First Amended Complaint in the matter of Harris L.
- 23 Winns v. Blakeley Sokoloff Taylor & Zaffman, et al., Santa Clara Superior Court
- 24 Case No. 107CV090534. A true and correct copy of the Demurrer is attached hereto
- 25 as Exhibit 5.
- 26
- 27 6. Plaintiff's Opposition to Defendants' demurrer to Plaintiff's First Amended
- 28 Complaint in the matter of Harris L. Winns v. Blakeley Sokoloff Taylor & Zaffman,
- et al., Santa Clara Superior Court Case No. 107CV090534. A true and correct copy
- of the Opposition is attached hereto as Exhibit 6.
7. Order sustaining Defendants' demurrer with leave to amend. A Certified Copy of
- the Order is attached hereto as Exhibit 7.

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8. Defendants' Ex Parte Application for Dismissal of Plaintiff's First Amended Complaint in the matter of Harris L. Winns v. Blakeley Sokoloff Taylor & Zaffman, et al., Santa Clara Superior Court Case No. 107CV090534. A true and correct copy of the Application is attached hereto as Exhibit 8.
9. Order Dismissing Plaintiff's First Amended Complaint in the matter of Harris L. Winns v. Blakeley Sokoloff Taylor & Zaffman, et al., Santa Clara Superior Court Case No. 107CV090534. A Certified Copy of the Order is attached hereto as Exhibit 9.
10. Plaintiff's Motion to Vacate Dismissal of Plaintiff's First Amended Complaint in the matter of Harris L. Winns v. Blakeley Sokoloff Taylor & Zaffman, et al., Santa Clara Superior Court Case No. 107CV090534. A true and correct copy of the Motion is attached hereto as Exhibit 10.
11. Order Denying Plaintiff's Motion to Vacate Dismissal of Plaintiff's First Amended Complaint in the matter of Harris L. Winns v. Blakeley Sokoloff Taylor & Zaffman, et al., Santa Clara Superior Court Case No. 107CV090534. A Certified Copy of the Order is attached hereto as Exhibit 11.

Dated: August 15, 2008

STRAZULO FITZGERALD LLP

By _____
 Nancy L. McCoy
 Cortney L. McDevitt
 Attorneys for Defendants Blakely Sokoloff, Taylor &
 Zaffman, LLP, Anthony Intil, Candy Mielke, Michael
 Mallie, John P. Ward, Ed Taylor, Dan Devos, Diane
 Robson, Lester Vincent, Jim Salter, Dave Montoya,
 Tarek Fahmi, Steve Zelman, and Karen Wilson